

Congress of the United States
House of Representatives
Washington, DC 20515-0530

HENRY A. WAXMAN
30TH DISTRICT, CALIFORNIA

**Read the Barton Amendment for Yourself—
It Does Not Protect State Authorities**

Oppose H.R. 4167

March 8, 2006

Dear Colleague:

I want to make sure that there are no misunderstandings about the Barton manager's amendment that will be considered later today. The summary of this amendment states that:

[I]f the Secretary has not acted to establish a standard or rejected a standard then a state could establish its own adulteration or tolerance standard without having to petition or seek approval from the FDA.¹

This summary is inconsistent with the language of the Barton amendment. The Barton amendment only protects the authority of a state to enforce a State law that is "identical" to a federal requirement.² Although there is some extraneous language in the amendment, none of it overcomes this basic fact.

Read it for yourself. And if you have a question about how to interpret the language, you may want to consult with your state attorney general or state food or agriculture official. These expert state officials understand exactly what H.R. 4167 would do to the food safety laws of your state – which is why they have been so steadfast in their opposition to the legislation.

I urge you to oppose H.R. 4167 when it goes to the floor today.

Sincerely,



HENRY A. WAXMAN
Member of Congress

¹ House Rules Committee, Summary of Amendments Made in Order (online at http://www.rules.house.gov/109_2nd/specialrules2nd109/1092ndhr4167_2.htm).

² House Rules Committee, Summary of Amendments Made in Order (online at http://www.rules.house.gov/109_2nd/specialrules2nd109/hr4167/1092nd_hr4167_barton2.pdf).